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U.S. Department of the Interior Bureau of Land Management Kremmling Field Office P.O. Box 68 Kremmling, CO 80459

# **ENVIRONMENTAL ASSESSMENT**

NUMBER: DOI-BLM-120-2010-0019-EA

<u>PROJECT NAME</u>: Livestock Grazing Permit Renewal for permits #0501739 and #0501833 for Donald Culver (Owl Creek Ranch) and construction of two livestock water wells (Dry Fork and Bostwich).

#### **LEGAL DESCRIPTION:**

Grazing Allotments Permit: #501833

07022 (9 79 9) T. 9 N., R. 79 W., 6<sup>th</sup> P.M., Sec. 25, 36

T. 8 N., R. 79 W., 6<sup>th</sup> P.M., Sec 1

07023 (Upper Sudduth Draw) T. 9 N., R. 78 W., 6<sup>th</sup> P.M., Sec. 8, 9, 16, 17, 19-22, 28-30 and 33

Permit #0501739

07024 (Dry Fork) T. 9 N., R.78 W., 6<sup>th</sup> P.M., Sec. 29, 30 and 33 07025 (Culver) T. 9 N., R. 78 W., 6<sup>th</sup> P.M., Sec 30 and 29

07026 (Owl Creek) T. 8 N., R. 78 W., 6<sup>th</sup> P.M., Sec 8 07027 (Abandoned Ditch) T. 8 N., R. 78 W., 6<sup>th</sup> P.M., Sec. 5

07028 (Bostwich) T. 8 N., R. 78 W., 6<sup>th</sup> P.M., Sec. 4 and 5 07079 (Upper Bush Draw) T. 8 N., R. 78 W., 6<sup>th</sup> P.M., Sec 4, 5 and 9

Livestock Water Wells

Dry Fork Well T. 9 N., R.78 W., 6<sup>th</sup> P.M., Sec. 29, Bostwich Well T. 9 N., R.78 W., 6<sup>th</sup> P.M., Sec. 33

APPLICANT: Donald Culver (Owl Creek Ranch)

<u>PURPOSE AND NEED FOR THE ACTION</u>: Donald Culver (Owl Creek Ranch) grazing permit #0501833 that authorized livestock grazing on Allotments 07022 (9 79 9) and 07023 (Upper Sudduth Draw) expired on February 28, 2010. Donald Culver has applied to renew his livestock grazing permit. The permit is subject to renewal at the discretion of the Secretary of the Interior for a period of up to 10 years. Approving the renewal has been delegated to the local Authorized Officer. Renewal of livestock grazing permit #0501833 would allow Donald Culver to continue grazing on his designated allotments for a period of 10 years beginning on March 1,

2010. Due to a proposed grazing system for a large portion of Owl Creek Ranches' BLM grazing allotments, livestock grazing permit #0501739 would also be renewed in conjunction with permit #0501833 to improve management of livestock and forage resources on BLM administered public lands. Grazing permit #0501739 authorizes livestock grazing on allotments 07079 (Upper Bush Draw), 07024 (Dry Fork), 07025 (Culver), 07026 (Owl Creek), 07027 (Abandoned Ditch) and 07028 (Bostwich). Permit #0501739 was renewed in 2008 however the season of use for these allotments needs to be changed to accommodate the new grazing system.

Background/Introduction/Issues and Concerns: In 1999, grazing permit #0501833 was renewed. During Land Health Standards assessment, 656 acres within allotment 07023 was determined to not be meeting land health standards. As part of the 1999 permit renewal environmental assessment, allotment 07023 was split into three pastures to allow for rest and/or deferment and to address the vegetation concerns within the allotment. Due to cost, the fences were not built. Instead, the allotment were rested once every other year. In 2007, the ranch and BLM grazing on allotments 07022 and 07023 was transferred to Donald Culver due to a land sale. In 2009, the allotment was again assessed for standards. It was determined that the 656 acres that had previously failed standards had improved, however the area was determined to be functioning at risk due to historical livestock use.

During the 2010 permit renewal process, a grazing system was developed for a large portion of Owl Creek Ranch. This grazing incorporates BLM grazing permit #0501739 and #0501833. In addition to this grazing plan, livestock water wells would be drilled in order to fully implement the grazing plan.

#### DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

<u>Proposed Action</u>: The proposed action would renew livestock grazing permits #0501833 and #0501739 for a period of 10 years effective on March 1, 2010. The Proposed Action would implement the Owl Creek Grazing Plan which would change the season use for allotments 07079, 07024, 07025, 07026, 07028, 07022 and 07023. The grazing plan allows for livestock to be moved between all allotments in a rotation to improve livestock utilization, long term vegetation vigor and land health.

Attached is a copy of the proposed grazing system and the Owl Creek Grazing Plan.

A copy of the permits with standard terms and conditions is enclosed as Attachment 1.

Animal unit month = the amount of forage needed to sustain one cow and calf for one month.

Livestock grazing permit # 0501833 would authorize livestock grazing to the following extent:

Allotment	Livestock	Number	Season of Use		Percent Public	AUMs
		Kind			Land	
07022 (9 79 3)	37	Cattle	6/1	9/30	30	44
07023 (Upper	90	Cattle	6/1	9/30	100	362
Sudduth Draw)						

The total Active AUMS for each allotment may not be the same as the authorized livestock grazing AUMs in the table above due to AUM calculations.

Allotment 7022 would be permitted for 44 AUMS

Allotment 07023 would be permitted for 362 AUMs.

Under the grazing plan Allotment 07023 would be limited to 270 AUMs. In the future, livestock grazing may be permitted to 362 AUMs after further Land Health Assessments are completed and the allotment is determined to be capable of supporting the full grazing preference of 362 AUMs.

Livestock grazing permit #0501739 would authorize livestock grazing to the following extent:

Allotment	Livestock	Number Kind	Season of Use		Percent Public Land	AUMs
07079 (Upper Bush Draw)	34	Cattle	6/1	9/30	100	136
07024 (Dry Fork)	25	Cattle	6/1	9/30	100	100
07025 (Culver)	16	Cattle	6/1	9/30	100	67
07026 (Owl Creek)	30	Cattle	6/1	9/30	2	2
07027 (Abandoned Ditch)	60	Cattle	5/1	9/1	2	5
07028 (Bostwich)	43	Cattle	5/1	9/1	21	36

The total Active AUMS for each allotment may not be the same as the authorized livestock grazing AUMs in the table above due to AUM calculations.

Allotment 07079 is permitted for 137 AUMS

Allotment 07024 is permitted for 100 AUMs

Allotment 07025 is permitted for 67 AUMS

Allotment 07026 is permitted for 2 AUMs

Allotment 07027 is permitted for 5 AUMS

Allotment 07028 is permitted for 37 AUMs

The proposed action also includes drilling of two wells (Dry Fork Well and Bostwich Well) to provide water in allotment 07079, 07024 and 07023. Both locations have been marked for drilling by the permittee and/or well driller.

The Dry Fork Well would be drilled in 2010 or 2011 in BLM grazing allotment 07023. Bostwich Well would be drilled in 2011 or 2012 in BLM grazing allotment 07024 and would provide water in allotment 07079. If the wells are drilled, Owl Creek Ranches or the well driller would set up the wells with a solar pump and panel or windmill to pump the water into 1-2 livestock water tanks at each location. Bostwich Well could also include water for Silver Spur cattle in their allotment 07010 depending on need and support.

The new livestock tanks would include wildlife ramps to provide escape routes for small mammals and birds that may access the tanks for water, a drainage system for winterization and would be anchored and protected by a wood post and rail structure.

The wells would be drilled using a diesel rotary drill rig or cable tool during the summer months (May-September). A typical water well is drilled to a depth of 200' and requires 2-4 days of drilling time depending upon geological formation. The well driller would install the well casing and complete all necessary documentation to be provided to the State of Colorado and the BLM. If the wells do not produce enough water for livestock or wildlife, the wells would be plugged and abandoned following Colorado State Laws. Ground disturbance would be limited to 1-3 acres of the well location during well drilling, pump installation and setup of livestock tanks.

## Owl Creek Ranch wells -

The Dry Fork Well would provide water for 260 cattle for 30 days in allotment 07023 The Bostwich Well would provide water for 100 cattle for 26 days in allotment 07024 and for 100 cattle for 16 days in allotment 07079.

## Silver Spur Ranch- (Allotment 07010)

The Bostwich Well would water 250 cattle for 35 days in allotment 07010

### Design Features of the Proposed Action:

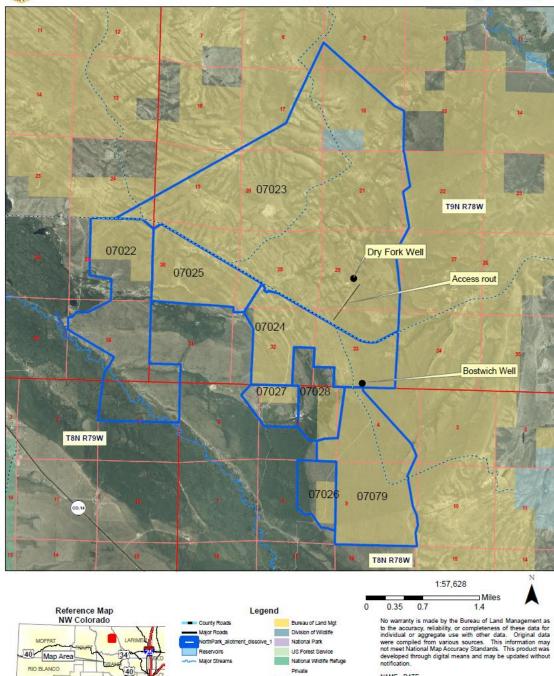
- The permittee would be responsible for notifying the BLM of any suspected noxious weeds found in their allotment.
- The BLM would be responsible for implementing noxious weed control measures, which would include partnership with the Jackson County Weed Abatement Program.
- No new road construction would be needed for the Bostwich well as the well location is on an existing road. Dry Fork well would require travel off of an existing road for approximately 30'.
- All livestock tanks would be anchored to the ground using post and rails and would have livestock escape ramps.
- Following installation of the wells, all disturbed areas would be leveled and seeded with a mixture of native and introduced grass and forb species.
- Water tanks would be painted covert green or shadow gray to reduce visibility.
- If there is reflective metal on the windmills (if installed), the reflective metal would be painted shadow gray to reduce visibility.
- The estimated livestock use for the Bostwich and Dry Fork Wells would result in an estimated depletion of 0.96 acre-feet-per-year. A programmatic biological opinion was completed on June 16, 2006, that covers new depletions. A Memorandum of Agreement was signed by the BLM and the USFWS on February 26, 2010, to offset new federal depletions through the cooperative actions of Jackson County Water Conservancy District and the South Platte Water-Related Activities Program (SPWRAP) in exchange for federal payment. These offsets are consistent with Colorado's Depletion Plan, as required by the Platte River Recovery Implementation Program. The BLM will submit

all proposed 2010 new federal depletions to the USFWS by June 2, 2010, and adhere to the terms of the agreement.



## Owl Creek Allotments and Proposed Wells





State State Forest NAME - DATE FILE LOCATION <u>No Action Alternative</u>: The No Action alternative would allow for the continuation of current management on all allotments. This would not provide for the implementation of the new grazing system and new livestock water wells. It would require the continuation of the current grazing system for allotment 07023 (Upper Sudduth Draw). This grazing system allows for grazing 326 AUMs every other year.

#### Alternatives Considered But Eliminated From Further Analysis:

No livestock grazing was considered but eliminated from further analysis for the following reasons:

- It is discretionary action to renew livestock grazing permits/leases. However, not renewing the permits does not meet the Purpose and Need of this EA.
- During scoping, no issues or concerns have been identified.
- Not renewing the livestock grazing permits would cause severe economic hardship on the permittee.
- All allotments except 07023 meet all of the Standards for Public Land Health in Colorado. Allotment 07023 was determined to be functioning at risk but improving. Appropriate actions have been implemented to bring the allotment into compliance with the Standards.

<u>PLAN CONFORMANCE REVIEW</u>: The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

<u>Decision Number/Page</u>: Livestock grazing pages 6 and 8 as revised.

<u>Decision Language</u>: Objectives of the RMP/ROD include allocation of a base level of livestock forage and maintaining or improving forage production and condition in areas where livestock grazing is a priority or is compatible with the land use priority. The RMP designated the project area with a livestock grazing priority.

<u>AFFECTED ENVIRONMENT / ENVIRONMENTAL CONSEQUENCES / MITIGATION</u> MEASURES:

#### INVASIVE, NON-NATIVE SPECIES

Affected Environment: Past actions such as livestock grazing, motorized travel, recreation, etc. that have caused disturbance of vegetation and soil contributed to the invasion and spread of invasive, non-native species (noxious weeds). There are known invasive, non-native species (noxious weeds) growing within the allotments. These species include houndstongue (*Cynoglossum officinale*), cheatgrass (*Bromus tectorum*), and Canada thistle

(*Cirsium arvense*). These species are generally located along roadways and in high-use areas, such as ephemeral streams and livestock watering areas. Soil or vegetation disturbing activities provide an avenue for the establishment and expansion of invasive, non-native species. The BLM monitors these known areas to control the spread of these species.

Environmental Consequences: Any type of soil and vegetation disturbance in an area where invasive, non-native species are established promotes their expansion. An increase in Invasive weeds would reduce forage for livestock and wildlife. It would also reduce the overall land health if the weeds become established in the native vegetation.

The changes made to the livestock grazing management would not create new avenues for the establishment or spread of invasive, non-native species. However, the chance remains for the establishment or spread of invasive, non-native species with the proposed action and the no action alternative. The no action alternative is continuation of the current management, so the environmental consequences would be the same.

#### MIGRATORY BIRDS

Affected Environment: A variety of migratory bird species, primarily birds of prey and songbirds, use the allotments. Surveys conducted in 1994 by the Colorado Breeding Bird Atlas Partnership recorded many species in the area including Swainson's hawks, Red-tailed hawks, Golden Eagles, Green-tailed Towhees, Mountain Bluebirds, Sage Thrashers, Spotted Towhees, Rock Wrens, and Common Nighthawks in the sagebrush habitat common to these allotments.

Environmental Consequences: Under the proposed action, a new grazing system and change in season of use for all allotments Owl Creek Ranch grazes would be implemented. This would improve grass and forb production within the allotment by providing for increased deferment between defoliations by livestock. By changing when livestock can graze the allotments, plant root growth and vigor will improve, thereby producing more plant material available for bird use, especially by those species that nest on the ground. Under the proposed action, AUMS within allotment 07023 would be reduced from 362 to 270. However, livestock would be allowed to graze the allotment each year. The reduction in AUMs should allow the production of plant material to continue to improve.

In order to fully implement the grazing system, two new wells and a new water source in allotment 07025 would be needed. Under the proposed action, two wells (Bostich and Dry Fork) would be drilled and setup. These proposed developments would improve livestock grazing distribution and management in these allotments. Better livestock management would result in more suitable habitat for the species listed above. Grass and forb cover would increase, thereby providing additional food, cover, and nest material for migratory birds. The proposed well developments would also provide an additional water source for birds and their prey base.

The No Action Alternative is continuation of the current management so the environmental consequences would be the same.

THREATENED, ENDANGERED, AND SENSITIVE SPECIES (includes a finding on Standard 4)

Affected Environment: A list of threatened and endangered species which could inhabit the proposed project area was received from the U.S. Fish and Wildlife Service on March 11, 2010. Analysis of this list indicated that no threatened or endangered species have been recorded in the allotments proposed for renewal.

Greater sage-grouse, a BLM-designated Sensitive Species and federal candidate, inhabit all allotments proposed for renewal. Two sage-grouse strutting grounds (leks) are located within the allotments (07024 and 07023) and four more leks are within four miles of the allotments. Each allotment includes sagebrush habitat which provides suitable nesting cover and brood-rearing habitat for sage-grouse. Since research has determined that 80 percent of sage-grouse hens nest within four miles of the leks where they are bred, nesting is occurring in these allotments. In addition, allotments 07022, 07023, 07024, and 07025 provide winter habitat for sage-grouse and all allotments are within sage-grouse core habitat.

The Proposed Action includes drilling two water wells, which would be located within the North Platte River basin, tributary to the Platte River System. The USFWS has determined that any water depletion within the Platte River jeopardizes the continued existence of one or more federally-listed threatened or endangered species and adversely modifies or destroys designated and proposed critical habitat. Depletions may affect and are likely to adversely affect the whooping crane, the interior least tern, the piping plover, the western prairie fringed orchid, and the pallid sturgeon in the central and lower Platte River.

Environmental Consequences: Under the proposed action a new grazing system and change in season of use for all allotments Owl Creek Ranch grazes would be implemented. This would improve grass and forb production within the allotment by providing for increased deferment between defoliations by livestock. By changing when livestock can graze the allotments, plant root growth and vigor will improve, thereby producing more plant material available for bird use. This system would increase grass and forb productivity in the allotment where nesting and early brood rearing habitat occurs. The increase in production would enhance sage-grouse nesting success since more cover would be available to conceal nests from predators and adverse weather. Brood survival would also increase since more cover and food would be available as they migrate to adjacent brood-rearing habitat.

In order to implement the grazing system two new wells and another undetermined water source would be needed. The proposed developments would improve livestock grazing distribution and management in these allotments. Better livestock management would result in more suitable habitat for sage-grouse. Grass and forb cover would increase thereby providing additional food and cover. The proposed well developments would also provide an additional water source for insects, a food source for chicks and nesting females.

The No Action Alternative is continuation of the current management so the environmental consequences would be the same.

Finding on the Public Land Health Standard for Threatened & Endangered species: Allotment 07023 was assessed for standards in 2009. It was determined to be meeting standards. However there were still concerns within the area that did not meet standards in 1999.

Allotment # 07079 was assessed for standards in 2005, and 200 acres failed due to a past fire. There are no known concerns on the other allotments.

#### WATER QUALITY, SURFACE AND GROUND (includes a finding on Standard 5)

Affected Environment: The allotments are within the Canadian and Michigan River 5<sup>th</sup> order watersheds, which are tributary to the North Platte River. In the 2000 Environmental Assessment, allotments 7022 and 7023 were determined to not be affecting water quality in any perennial water source. There were, however, concerns regarding watershed conditions on approximately two acres of allotment 7023. The implementation of the grazing system helped these acres improve by increased vegetative ground cover, reducing bare soil, and improving livestock distribution in the allotment. The Road Gulch spring source was re-fenced, protecting ground water quality.

Environmental Consequences: The Proposed Action increases management flexibility by incorporating more land into a single grazing plan. Allotment 7023 would no longer be rested every other year, but would have reduced use. The proposed grazing plan is expected to maintain the improved vegetative conditions within the allotment, and also maintain or improve vegetative conditions within the other allotments. The proposed changes, including the proposed water developments, would help improve livestock distribution, and may reduce livestock pressure on existing water sources. This would improve overall vegetative cover and could reduce use in the draws. The No Action Alternative is continuation of the current management. Exisitng conditions on each separate allotment would remain the same, and the opportunity to use a single management plan to rotate grazing use would be foregone.

Finding on the Public Land Health Standard for water quality: The permits are considered to be meeting Land Health Standard #5. The Proposed Action increases management options to continue long-term land health using grazing systems. Combining the two permits increases the ability to coordinate livestock use on more acres, increasing options for pasture rest or altering seasons of use as needed to protect watershed conditions.

#### WETLANDS & RIPARIAN ZONES (includes a finding on Standard 2)

Affected Environment: Early assessments identified wetland concerns for a portion of Sudduth Draw, within allotment 7023. The area was considered to be "functioning at risk" due to livestock trailing and dryland species invasion. When dryland species invade riparian areas it generally represents lower water, which is preferred by these species. Common dryland species include sagebrush, blue bunch wheatgrass and Fescue species. In Sudduth Draw, trailing along the bottom of the draw has created a low point in the draw, causing the water table to drain towards the low point. This decreases the width of the draw and riparian zones that are needed to support wetland vegetation. The allotment has improved, but old trails and narrower wetland zones will continue to exist in the area. Allotments within permit #0501739 had limited wetland resources, and no identified wetland concerns were raised.

Environmental Consequences: The Proposed Action would renew the permits and implement a new grazing plan. The proposed changes, including the proposed water developments, would help improve livestock distribution, and may reduce livestock pressure on existing water sources. Wetland vegetation in draws or adjacent to livestock ponds would be

maintained or improved from the pasture rotations. The No Action Alternative is continuation of the current management. Wetland and riparian systems in allotment 7023 would continue to be rested every other year, maintaining the wetland vegetation. The proposed water well would not be constructed, foregoing an opportunity to reduce livestock pressures on wetland areas.

Finding on the Public Land Health Standard for riparian systems: Wetland vegetation overall is limited on the two permits. The Proposed Action would be expected to maintain or improve conditions, and would have increased flexibility to manage livestock use if concerns were identified. Livestock use could be altered on a specific pasture easier, due to the increased number of pastures to redistribute the use between other pastures. Under the No Action Alternative, the current rest system would be expected to maintain the wetland vegetation in allotment 7023. No additional improvement would be expected.

## SOILS (includes a finding on Standard 1)

Affected Environment: Allotments 7023 and 7079 both had areas where soils were considered to be not meeting the Standard. Allotment 7023 had long-term problems (historic compounded by present use) that included livestock trailing, active pedestalling, and poor accumulation of litter. Allotment 7079's old burn area had portions where revegetation had been poor, possibly due to high fire intensity. Allotment 7023 has improved under the reduced livestock use that included scheduled rest. Livestock trails are still present, but current vegetation production and litter accumulation has improved.

Environmental Consequences: The Proposed Action would directly benefit the upland soils in allotment 7079 by implementing a grazing system. The combination of more allotments into the Owl Creek Grazing Plan is expected to maintain or improve soil conditions on all the allotments, including allotment 7023. Limiting utilization levels to 50 percent would improve vegetative cover, increase litter accumulation and produce more litter for incorporation into the soil. The rotation grazing system with several pastures also improves the ability to react to yearly fluctuations in pasture production and available livestock water, reducing soil impacts. The No Action Alternative is continuation of the current management so the environmental consequences would be the same.

Finding on the Public Land Health Standard for upland soils: The permits are generally considered to be meeting the Standard for upland soils. Allotments 7023 and 7079 still have acres that are considered at risk for not meeting the standard. The Proposed Action's grazing plan and conditions helps insure that longterm soil health is protected on the allotments and all are meeting or moving towards the Standard.

#### VEGETATION (includes a finding on Standard 3)

Affected Environment: The vegetation within the grazing allotments is a mixture of sagebrush with and understory of grasses and forbs.

#### Environmental Consequences:

Under the proposed action the season of use would be expanded for permits #0501739 and #0501833 to allow for implementation of the Owl Creek Ranch Grazing Plan. If this plan is

implemented, plant root growth and vigor would improve in all allotments grazed by Owl Creek Ranch by providing for deferment between uses by livestock. Deferment would result in improved root growth, plant vigor and health through changing the season of use when livestock can graze the vegetation Under the proposed action, AUMs within allotment 07023 would be reduced from 362 to 270 and livestock would be allowed to graze the allotment each year. The reduction in AUMs would allow the vegetation to continue to improve.

The proposed action also would result in two wells being drilled. The new wells would result in minimal vegetation disturbance. However, by providing for these wells vegetation within these allotments would improve through better livestock distribution and opportunities to graze these allotments at different times.

The No Action Alternative is continuation of the current management so the environmental consequences would be the same.

Finding on the Public Land Health Standard for plant and animal communities (partial, see also Wildlife, Aquatic and Wildlife, Terrestrial):

Allotment 07023 was assessed for standards in 1999. It was determined that 656 acres were not meeting standards. In 2009, that allotment was again assessed and it was determined that to be meeting standards however there were still concerns within the area due to historical grazing. Allotment # 07079 was assessed for standards in 2005, and 200 acres failed the vegetative standard due to a past fire. There are no known vegetation concerns on the other allotments.

#### WILDLIFE, TERRESTRIAL (includes a finding on Standard 3)

Affected Environment: The allotments included in the proposed grazing permit renewal provide habitat for a variety of upland wildlife species. Pronghorn, elk, mule deer, coyotes, badgers, and a variety of small rodents inhabit the allotments at least part of the year. Pronghorn use the northern allotments (07022, 07023, 07024 and 07025) primarily during winter.

Environmental Consequences: Under the proposed action, a new grazing system and change in season of use for all allotments Owl Creek Ranch grazes would be implemented. This would improve grass and forb production within the allotment by providing for increased deferment between defoliations by livestock. By changing when livestock can graze, the allotments plant root growth and vigor would improve, thereby producing more plant material available for wildlife. This additional vegetation would be especially important to wildlife that uses the allotment during winter.

The proposed well developments would provide an additional water source for big game and small mammals during the summer season as well as improve livestock distribution during the grazing season. The change in livestock distribution would improve forage conditions and provide additional food and cover vegetation for wildlife using the allotments. The proposed project would not conflict with terrestrial wildlife since habitat disturbance would be minimal. All vegetative disturbances associated with the project would be reclaimed. Harassment or disturbance of wildlife would also be minimal since drilling and construction activities would be short term, in isolated areas, and not likely to occur during periods of animal concentration.

The No Action Alternative is continuation of the current management so the environmental consequences would be the same.

Finding on the Public Land Health Standard for plant and animal communities (partial, see also Vegetation and Wildlife, Aquatic): Allotment 07023 was assessed for standards in 2009. It was determined to be meeting standards however there were still concerns within the area that did not meet standards in 1999. Allotment # 07079 was assessed for standards in 2005, and 200 acres failed due to a past fire. There are no known concerns on the other allotments.

## **CUMULATIVE IMPACTS SUMMARY:**

Geographic Scope of the Cumulative Analysis:

For the purpose of this EA, the general geographic boundary for cumulative impact analysis is the allotments grazed by Owl Creek Ranch found in this Environmental Assessment. These lands are generally found within the Bush Draw and Dry Fork drainage areas east of Walden Colorado. Livestock grazing has been occurring within these allotments since the introduction of domestic livestock in the 1870's.

Past Present and Reasonably Foreseeable Action

When considered with past actions, livestock grazing within these allotments did not improve habitat for migratory birds, wetlands, soils or vegetation because livestock were not rotated within the allotments. This resulted in reduced land health as seen by allotments not meeting land health standards. Past water developments found in these allotments are generally pond or spring developments. These types of projects do not provide a reliable source of water for livestock. A lack of water can result in reduced habitat for wildlife and vegetation vigor due to poor livestock distribution. Due to these types of water sources, livestock are required to graze these allotments in the spring months. This is what has could occur under the No Action Alterative

When considering present actions, livestock grazing within these allotments would implement a grazing system to benefit threatened and endangered species, water quality, migratory birds and invasive species through a grazing system that rotates cattle within these allotments. Presently two wells would be drilled within these allotments as part of this Environmental Assessment. These wells would help implement the Owl Creek Grazing Plan as outlined in the Proposed Action.

When considering future actions, generally livestock grazing allotments and permits are renewed or issued for a period of ten years. The next time these allotments or permits would be renewed is in 2020. New water developments would more likely be wells as these types of projects provide for a more reliable source of water. Additional wells are anticipated to occur within the next 10 years within these allotments due to a limited number of reliable water sources. This would generally be beneficial to wildlife, vegetation and wetlands through increased livestock distribution.

## PERSONS / AGENCIES CONSULTED: See Appendix 2 for Tribal List.

#### Don Culver, Permittee

Starting in January 2007, a scoping process was begun to request information concerning the renewal of grazing permits/leases and to prioritize areas or allotments with issues and concerns. The Kremmling Field Office sent scoping letters, along with land status maps showing the affected allotments to the following groups and agencies: Colorado Division of Wildlife (Steamboat Springs, Walden, Hot Sulphur Springs, Fort Collins); District Board of Grazing Advisors; County Commissioners of Grand and Jackson counties; Stock Growers Association (Middle Park, North Park, Upper Big Laramie River Ranch Assoc.); Northwest Resource Advisory Council, United States Forest Service (Silverthorne, Granby, Walden); US Fish and Wildlife Service (Arapaho National Wildlife Refuge); Tribal Councils (Arapaho, Shoshone, Southern Ute); Colorado Commission of Indian Affairs; Ute Indian Tribe Uintah and Ouray Agency Business Committee; Colorado Environmental Coalition; and Colorado State Land Board (Lane Osborn).

The BLM Colorado State Office also mailed outreach letters concerning the renewal of grazing permits/leases to all Congressional offices, State and Federal agencies, and major environmental, conservation, and user group organizations.

In addition, individual letters were sent to the affected permittees/lessees informing them that their permit/lease was up for renewal and requested any information they wanted included in, or taken into consideration during the permit renewal process. A Notice of Public Scoping was posted on the internet at the Colorado BLM homepage, and in Grand and Jackson county newspapers asking for public input on permit/lease renewals and the assessment for compliance with the Standards for Public Land Health in Colorado within the Kremmling Field Office. This notice was followed up with an internet posting of the Kremmling Field Office prioritization of allotments and a determination as to which allotments would be assessed according to the Standards for Public Land Health in Colorado. The proposed permit renewal was also posted on the Kremmling Field Office Internet NEPA register.

The Kremmling Field Office received three comments from the scoping effort. The CDOW had no concerns with the permit/lease renewals. The US Forest Service, Sulphur Ranger District of the Arapaho National Forest expressed no issues or concerns with renewing the permits/leases. In a comment letter from the Grand County Commissioners, they strongly support the renewal of all Middle Park and North Park permits/leases. They said the preservation of agricultural is extremely important in Middle Park and North Park.

INTERDISCIPLINARY REVIEW: See IDT-RRC in Appendix 1.

### **FONSI**

## DOI-BLM-CO-120-2010-0019-EA

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, and considering the significance criteria in 40 CFR 1508.27, I have determined that the Proposed Action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

<u>DECISION</u>: It is my decision to authorize the Proposed Action as described in the attached EA and renew livestock grazing permits # 0501833 and 0501739 to be in effect from March 1, 2010 to February 28, 2020. This decision is contingent on meeting any monitoring requirements listed below.

<u>RATIONALE</u>: When a livestock grazing lease/permit expires, it is subject to renewal at the discretion of the Secretary of the Interior for a period of up to ten years. Livestock grazing, when properly managed in accordance with good rangeland ecology practices, has been proven to result in improved land health. The public benefits from public lands which are maintained in a healthy condition and are able to produce sustainable resources for a variety of uses.

The livestock producer benefits from a renewed livestock grazing permit/lease to graze forage on BLM managed land. Livestock grazing on BLM managed land is an integral part of the livestock producer's operation, and an important part of local rural economies.

#### MITIGATION MEASURES: None

COMPLIANCE/MONITORING: Compliance with the renewed livestock grazing permits would be accomplished by application of the Kremmling Field Office Range Monitoring Plan. Allotments 07223 and 07079 are "I" (improve) category allotments. The objective of "I" allotments is to improve the forage productivity and condition in grazing allotments where vegetation condition has not attained its potential. Monitoring of "I" allotments includes collection of actual use, utilization and climatic data. Compliance checks will be conducted to ensure adherence to annual grazing authorizations. Trend studies would be included for allotments that have Allotment Management Plans.

Allotments 07022, 07024, 07025, 07026, 07027, 07028 are "C" (custodial) category allotments. The objective of "C" allotments is to maintain existing allotment conditions and provide for management opportunities as needs arise for operators and other land use agencies. Monitoring of "C" allotments includes periodic compliance checks to ensure adherence to annual grazing authorizations.

NAME OF PREPARER: Peter Torma

NAME OF ENVIRONMENTAL COORDINATOR: Susan Cassel

DATE: 6/5/2010

## SIGNATURE OF AUTHORIZED OFFICIAL: /s/ David Stout

**DATE**: 8/3/2010

## **APPENDICES**:

Appendix 1 – Interdisciplinary Team Analysis Review Record and Checklist

Appendix 2 – Native American Tribal List

## **ATTACHMENTS:**

- 1) Livestock grazing permit #0501833 and 0501739 with standard terms and conditions
- 2) Grazing plan for permit #0501822 and #0501739

## Appendix 1

## **INTERDISCIPLINARY TEAM ANALYSIS REVIEW RECORD AND CHECKLIST:**

**Project Title: Owl Creek Ranch Permit Renewal** 

**Project Leader: Peter Torma** 

**Date Proposal Received: (Only for external proposals)** 

Date Submitted for Comment: 2/1/2009 Due Date for Comments: 5/1/2010

Need for a field Exam: (If so, schedule a date/time)

**Scoping Needs/Interested or Affected Publics: (Identify public scoping needs)** 

## **Consultation/Permit Requirements:**

Consultation	Date Initiated	Date Completed	Responsible Specialist/ Contractor	Comments
Cultural/Archeological Clearance/SHPO	NA	1/21/2010	B. Wyatt	Past actions have resulted in a cultural resource inventory to determine if those actions would cause potential adverse affects to known and unknown cultural resources sites from livestock grazing, motorized travel, and recreational use. When project undertakings are identified, a cultural resource inventory would be conducted to determine if sites are present and their eligibility, project effects, and mitigation requirements as necessary.
Native American	1-20-2010	2/21/2010	B. Wyatt	Tribal consultation was initiated in April 2008, and January 2010. To date no Native American tribe has identified any areas of spiritual concern.
T&E Species/FWS	6/2/2010		P Belcher	Depletion calculations and the BO will be submitted to the USFWS to comply with 2010 MOA.
Permits Needed (i.e. Air or Water)	4/26/20009		P.Belcher	The BLM has applied for a well permit to drill Dry Fork Well. In 2011, a permit will be filed for Bostwich Well. If permits are approved, then drilling will follow all terms and conditions of the permits.

(NP) = Not Present

(NI) = Resource/Use Present but Not Impacted

(PI) = Potentially Impacted and Brought Forward for Analysis.

NP	Discipline/Name	Date	Initia	Review Comments (required for Critical
NI		Review	ls	Element NIs, and for elements that require a
PI		Comp.		finding but are not carried forward for
		_		analysis.)

NI Air Quality  Belcher    S/3/2010   PB   The Proposed Action quality, which is considered as a second constant of the proposed Action propos	on does not impact air					
quantity, without its co						
NP Areas of Critical Environmental 3/26/10 MM There are no Areas	s of Critical Environmental					
Concern in the property Concer	ximity of the proposed					
project area.						
NI Cultural Resources Wyatt 1/21/2010 BBW Past actions have re-	esulted in a cultural resource					
	nine if those actions would					
	verse affects to known and					
	resources sites from livestock					
	travel, and recreational use.					
	ertakings are identified, a					
	es are present and their					
	effects, and mitigation					
requirements as nec						
	nost recent Census Bureau					
	nere are no minority or low					
	es within the Kremmling					
Planning Area.	_					
	ands, prime or unique, in the					
Prime and Unique Belcher proximity of the pro	oposed project area.					
	primarily upland allotments,					
	ne functionality or flood					
PI Invasive, <b>Johnson</b> 02/24/10 ZH See invasive, non-r						
PI Invasive, Johnson 02/24/10 ZH See invasive, non-relative Species Torma	native section					
Hughes						
PI Migratory Birds McGuire 3/26/10 MM See Migratory Bird	ds section.					
	was initiated in April 2008,					
	To date no Native American					
tribe has identified	any areas of spiritual					
concern.						
PI T/E, and Sensitive Species 3/26/10 MM See /E, and Sensitive	ve Species section.					
(Finding on Standard 4) McGuire						
	ities of wastes, hazardous or					
	LM-administered lands in ct area, and there would be					
	ed as a result of the Proposed					
Action or No Actio	*					
PI Water Quality, Surface and Ground 5/13/2010 PB See the Water Qual						
(Finding on Standard 5) <b>Belcher</b>	•					
PI Wetlands & Riparian Zones 5/13/2010 PB See the Wetlands S	Section.					
(Finding on Standard 2) Belcher						
	ole Wild and Scenic River					
segments in the pro						
NP Wilderness Monkouski 3/12/2010 JJM There is no designal Wilderness Study of						
	Areas in the proximity of the					
proposed project area.  NON-CRITICAL ELEMENTS (A finding must be made for these elements)						
PI Soils (Finding on Standard 1) <b>Belcher</b> 5/13/2010 PB See the Soils Section						
PI Vegetation Johnson 12/29/09 PT See Vegetation Sec						
(Finding on Standard 3) Torma						
NP Wildlife, Aquatic 3/26/10 MM There are no aquati	ic wildlife present in the					
(Finding on Standard 3) McGuire allotments proposed PI Wildlife, Terrestrial 3/26/10 MM See Terrestrial Wildlife						

	(Finding on Standard 3) McGuire						
	OTHER NON-CRITICAL ELEMENTS						
NI	Access/Transportation Monkouski	3/12/2010	JJM	The current designation is "Open" for Off Highway Vehicle use and there are no restrictions for mechanized or non-motorized travel in the area. No change in access. No Impacts.			
NP	Forest Management K. Belcher	4/22/10	KB	No forest resources present.			
NI	Geology and Minerals Hodgson	12/03/09	KH	No impacts.			
NI	Fire Wyatt	1/21/2010	BBW	Grazing would reduce light flashy fuels. Cattle trails that result in the trampling and removal of vegetation would create potential fuel breaks.			
NI	Hydrology/Water Rights Belcher	5/13/2010	PB	The Proposed wells and water use will be in accordance with state water law. No other users will be impacted.			
NI	Paleontology Rupp	12/08-09	FGR	Environmental Consequences/Mitigation: There would be no impacts to Paleontological resources from renewing the grazing permit. Ground disturbing projects or undertakings will be reviewed to determine the need for Paleontological inventory.			
NI	Noise <b>Monkouski</b>	3/12/2010	JJM	No impacts.			
NI	Range Management Johnson Torma	12/29/09	PT	There would be no impacts to livestock grazing from the proposed action. Owl Creek Ranch has agreed to the grazing system and supports the proposed changes. The No Action Alternative would continue the current livestock grazing system.			
NI	Lands/ Realty Authorizations Sperandio	12/17/09	AS	There are three ROW roads: COC-054396, COC-060207(Culver), and COC-045756(Owl Crk Ranch). One ROW for Century Tel, COC-009231. No impacts would occur in the proposed area for renewal.			
NI	Recreation Monkouski Windsor	3/12/2010	JJM	Existing recreational uses in the general area include hunting, hiking, horseback riding, wildlife viewing; snowmobiling and driving for pleasure. There are no recreation activity plans or other special recreation designations for this area. A shooting range is located within the proposed action location and there are no known conflicts with this site. The shooting range is currently proposed to be sold to Jackson County. The proposed action should have no impacts to the recreation resource.			
NI	Socio-Economics Cassel	12/2/09	SC	The allotment's AUMs will be reduced to 270, AUMs until the allotment is determined to support the full preference of 362 AUMS. Two new water wells will be added to the pastures. The proposed action should eventually increase the quality of grazing and not impact the socio-economics of the permittee.			
NI	Visual Resources Windsor	4/2/10	AW	There would be no impacts to visual resources as a result of renewal of the grazing permits.  The proposed project is in a Visual Resource Inventory (VRI) Class III area. Since the 1984 Resource Management Plan (RMP) did			

		5112/2010	DEL	designate Visual Resource Management (VRM) classes, BLM manages visual resources to protect the VRI by applying management class objectives to the inventory. Objectives for VRM Class III are to partially retain the existing landscape. Changes to the landscape should be moderate and may attract attention, but should not dominate the landscape. The Bostwich well would likely not be visible from Hwy 14, so there would be no impacts to visual resources. The Dry Fork Well could be visible from Hwy 14. Solar panels would reflect light and therefore attract attention of the casual viewer. A windmill would add a new vertical feature to the landscape and would also attract attention of the casual viewer. Neither well would dominate the landscape. Painting tanks and the windmill (if necessary) would reduce the visibility of the projects. In the no action alternative, there would be no impacts to visual resources.
	Cumulative Impact Summary	5/13/2010	PT	See analysis in this EA.
I	P&F Coordinator Cassal	FINAL F	REVIEW	
	P&E Coordinator Cassel			

### Appendix 2

### **NATIVE AMERICAN TRIBES CONTACTED:**

Ivan Posey, Chairman Shoshone Business Council Shoshone Tribe P O Box 538 Ft. Washakie, WY 82514

Ernest House, Sr., Chairman Ute Mountain Ute Tribe P O Box JJ Towoac, CO 81334

Harvey Spoonhunter, Chairman Northern Arapaho Business Council P O Box 328 Fort Washakie, WY 82514

Ernest House, Jr., Executive Secretary Colorado Commissioner of Indian Affairs 130 State Capitol Denver, Colorado 80203

Mathew Box, Chairman Southern Ute Indian Tribe P O Box 737 Ignacio, CO 81137

Curtis Cesspooch, Chairman Uintah & Ouray Tribal Business Committee P O Box 190 Ft. Duchesne, UT 84026 Mr. Norman Tidzump Tribal Historic Preservation Officer Shoshone Tribe, Cultural Center P.O. Box 538 Fort Washakie, WY 82514

Mr. Terry Knight, Sr., NAGPRA Representative Ute Mountain Ute Tribe P O Box 468 Towaoc, CO 81334

THPO Director Northern Arapaho Tribe P O Box 396 Fort Washakie, WY 82514

Robert Goggles, NAGPRA Representative Northern Arapaho Tribe 328 Seventeen Mile Road Arapaho, WY 82510

Neil Cloud, NAGPRA Representative Southern Ute Tribe Mail Stop #73 Ignacio, CO 81137

Betsy Chapoose, Director Cultural Rights & Protection Specialist Uintah & Ouray Tribe P O Box 190 Fort Duchesne, UT 84026